

Senator Hobby introduced a bill, entitled "An act to amend article 575 of 'An act to establish a code of criminal procedure for the State of Texas,'" approved August 26, 1850. Read first time and referred to Judiciary Committee.

A message was received from the House, announcing the passage of Senate bill No. 59, "An act to authorize and allow the several county courts in this State to build court houses and jails, and make repairs and improvements for the benefit of the county; and to provide funds to defray the expense of the same," with amendments by the House.

On motion of Senator Westfall, the rules were suspended to take up House bill No. 4, "An act to fix the venue in certain cases." Bill taken up and the amendments of the committee concurred in.

Senator Baker offered the following amendment: Erase all of the first section after the words "subject matter," and insert "and any foreign corporation can be sued in any county where the cause of action accrued, or where such corporation has an agency or representative." Lost.

The bill was then read second time and passed to third reading.

Senator Westfall moved to suspend the rules to put the bill on its third reading. Lost.

By leave, Senator Wood introduced a bill entitled "An act to define and punish certain offenses committed on the public highways, and within the limits of the unincorporated villages and towns of this State, and other public places." Read first time and referred to Judiciary Committee.

The President announced that he would appoint Senators Hobby, Bradley and Ledbetter, to act with the House committee, under the House "joint resolution to take into consideration the question of an appropriation of one thousand dollars to erect a monument to Gen. Sam Houston."

House bill No. 128, "An act to provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans, or other marauding or thieving parties," was taken up, as also the amendments proposed by the committee.

(Senator Hobby in the chair.)

Senator Wood submitted a substitute for the original bill.

The title of the substitute is, "An act to provide for the protection of the frontier."

(Mr. President in the chair.)

On motion of Senator Flanagan, the Senate adjourned to 10 A. M. to-morrow.

FORTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, March 10, 1874. }

Senate met pursuant to adjournment; roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Wood asked a further leave of absence until to-morrow, for Senator Ireland. Granted.

On motion of Senator Dwyer, Senator Randle was excused until Thursday morning next.

A message was received from the House, announcing the passage of the following bills: House bill No. 92, "An act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof." House bill No. 213, "An act relating to the headright claim of Louis Rosseau, to 820 acres of land."

Report from the Committee on Land Office:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Land Office, to whom was referred Senate bill No. 235, "An act to amend an act to authorize the cancellation of patents in certain cases," approved February 8, 1854, have considered the same and instruct me to report it back with the recommendation that it do not pass.

BRADLEY, Chairman.

Report from Committee on Roads, Bridges and Ferries:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 232, "An act to authorize the county courts of the several counties in this State to build bridges and causeways, and to keep up and improve bridges, causeways and public roads, have had the same under consideration, and instruct me to report the same back with the accompanying amendment, and recommend that the bill, as amended, do pass.

W. R. FRIEND, Chairman.

Amend section three by striking out lines one, two and three, and inserting instead thereof the words "said county courts shall, at the second session thereof, after the passage of this act, and every twelve months thereafter, divide their counties into as many road precincts as the public convenience may require; and shall, at such sessions, appoint a road overseer."

Report from Committee on Land Office:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Land Office, to whom was referred Senate bill No. 103, "An act authorizing the compilation of a complete alphabetical abstract of all the patented and located lands in the State," having had

the same under consideration, instruct me to report the accompanying substitute, and recommend its passage.

BRADLEY, Chairman.

The title of the substitute referred to, is: "An act authorizing the compilation of a complete alphabetical abstract of all the patented and located lands in the State."

Senator Parker moved that one hundred copies of Senate bill No. 213, "An act to create a department of agriculture for the State of Texas," be printed. Carried.

On motion of Senator Flanagan, the bill was recommitted to the Committee on Agriculture.

Senator Dwyer, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that we have carefully examined Senate bill No. 239, "An act to fix the *per diem* and mileage of witnesses summoned in cases of address or impeachment against the judges of the Twenty-second, Twenty-fourth and Twenty-fifth Judicial Districts," and find the same correctly enrolled, and did, this tenth day of March, A. D. 1874, at 10 o'clock A. M., present the same to the Governor for his approval.

J. E. DWYER, for Committee.

Senator Moore introduced a bill entitled "An act to amend an act to regulate assessment and collection of taxes," approved May 31, 1873.

On motion of Senator Wood, one hundred copies of the bill were ordered printed.

Senator Allison introduced a bill entitled "An act to regulate public roads in the State of Texas." Read and referred to Committee on Roads, Bridges and Ferries.

Senator Baker, chairman of Committee on Finance, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 179, "An act to protect the public revenue of the State," have duly considered the same, and have instructed me to recommend that the same do pass.

W. R. BAKER, Chairman.

Senator Westfall introduced a bill entitled "An act making an appropriation for the pay of four extra clerks, temporarily employed in the office of the Superintendent of Public Instruction." Read first time and referred to Committee on Education.

Senator Swift introduced a bill, entitled "An act to repeal 'An act to change the line between the counties of Burnet and Lampasas,'" approved June 2, 1873. Read first time and referred to Committee on Counties and County Boundaries.

Senator Friend offered the following resolutions:

Resolved, That the standing Committee on General Land Office be, and are hereby,

instructed to visit the General Land Office and examine, in person, the condition of that institution, and how the same has been administered during the past four years.

Resolved, That the Committee on General Land Office of the House of Representatives be requested to join with the Senate committee in said examination.

Adopted.

Senator Friend introduced a joint resolution, "awarding Winchester rifles to certain persons, and making an appropriation therefor." Read first time and referred to Committee on Indian Affairs.

Senator Wood introduced a bill entitled "An act concerning limitations." Read first time and referred to Judiciary Committee.

Senator Parker moved that Senator Morris be granted a further leave of absence for four days. Granted.

On motion of Senator Wood, the rules were suspended to take up Senate bill No. 59, "An act to authorize and allow the several county courts in the State to build court houses and jails, and make repairs and improvements for the benefit of the county, and to provide funds to defray the expense of the same," together with the House amendments.

The bill was taken up, and on motion of Senator Wood, the amendments of the House were concurred in.

On motion of Senator Baker, the rules were suspended, and Senate bill No. 71, "An act to amend 'An act incorporating the Agricultural, Mechanical and Blood Stock Association of Texas,'" approved April 20, 1866, was taken up, read second time and ordered engrossed.

On motion of Senator Baker, the rules were suspended, bill read third time and passed.

Senator Trolinger moved to take up the resolution offered by him heretofore, which reads as follows:

Resolved, That hereafter the Senate shall meet at 9 A. M. each day.

Resolution taken up, and adopted by a rising vote of fourteen for, to seven against—it requiring a two thirds vote to adopt the same.

A message was received from the House announcing the passage of a concurrent resolution "For raising a special joint committee of two from the House and one from the Senate, to consider the suggestions in the reports of the late and present Commissioner of the General Land Office, and to prepare the necessary legislation respecting them." Also, announcing that Messrs. Miller and Von Biberstein had been appointed a House committee on said concurrent resolution.

On motion of Senator Wood, the rules were suspended to take up Senate bill No.

162, "An act to authorize the several county courts of the State to pay off outstanding indebtedness of the several counties;" and, also, the substitute offered therefor, being entitled "An act to authorize the several counties of this State to raise means to pay their present indebtedness."

The substitute was adopted, and one hundred copies were ordered printed.

On motion of Senator Westfall, the rules were suspended to take up House bill No. 4, "An act to fix the venue in certain cases." The bill was read third time and passed.

The unfinished business, being the consideration of House bill No. 128, "An act to provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans, or other marauding or thieving parties," together with the substitute therefor, entitled "An act to provide for the protection of the frontier," they were taken up.

On motion of Senator Dillard, the subject matter, original bill and substitute, were postponed until Monday next, at 11 o'clock A. M., and to continue as special order from day to day until disposed of.

On motion of Senator Bradshaw, one hundred copies of the substitute were ordered printed.

On motion of Senator Westfall, the rules were suspended to take up House bill No. 6, "An act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of July, 1873, and to provide for the payment of the same, and regulating verification and disbursement of the same," together with the Senate substitute therefor, entitled, "An act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of July, 1873."

The substitute for the bill was adopted.

Senator Wood offered the following amendment: "Provided, that this act shall not apply to any service rendered by teachers under the provisions of the present school law; but shall only apply to service rendered by teachers under the laws of the Twelfth Legislature." Adopted.

Senator Bradshaw moved that the bill be read by sections. Carried.

Senator Dillard offered the following amendment: Strike out in section first the word "Comptroller," and insert "Superintendent of Instruction." Adopted.

Senator Erath offered the following amendment: After the words "to proceed" insert "to examine said claims, and, if found correct, certify the same to the Comptroller, who shall—"

Senator Bradley moved to lay the amendment on the table. Carried by the following vote:

Yeas—Senators Allison, Bradley, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Hobby, Ledbetter, Russell, Stirman, Westfall and Wood—14.

Nays—Senators Ball, Baker, Bradshaw, Dillard, Friend, Moore, Parker, Swift and Trolinger—9.

Senator Bradley moved to reconsider the vote taken adopting the amendment offered by Senator Dillard to the first section. Carried by the following vote:

Yeas—Senators Allison, Bradley, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Hobby, Ledbetter, Parker, Russell, Stirman, Westfall and Wood—15.

Nays—Senators Ball, Baker, Bradshaw, Dillard, Friend, Moore, Swift and Trolinger—8.

Senator Swift moved that the bill be referred to Committee on Education. Lost.

The question recurring as to the amendment offered by Senator Dillard, to section first, and reconsidered on the motion offered by Senator Bradley, the vote was taken, and the amendment lost.

Senator Bradshaw offered the following amendment: In section two, line two, after the word "Comptroller," insert the words "upon satisfactory evidence of their genuineness." Lost by the following vote:

Yeas—Senators Allison, Baker, Bradshaw, Dillard, Moore, Parker, Swift and Trolinger—8.

Nays—Senators Ball, Bradley, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Russell, Stirman, Westfall and Wood—15.

Sections one and two were adopted.

Senator Dillard offered the following amendment: In section three, amend by inserting the words "parties, which claim, shall also be approved by the board of school directors, in the county where such service was rendered." Lost by the following vote:

Yeas—Senators Allison, Baker, Bradshaw, Dillard, Friend and Moore—6.

Nays—Senators Ball, Bradley, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Hobby, Ledbetter, Parker, Russell, Stirman, Swift, Trolinger, Westfall and Wood—17.

Senator Wood moved to adopt the bill as a whole. Carried.

The question recurring on the engrossment of the bill, it was ordered engrossed by the following vote:

Yeas—Senators Allison, Ball, Baker, Bradley, Burton, Camp, Davenport, Dwyer, Erath, Flanagan, Friend, Hobby, Ledbetter, Moore, Parker, Russell, Stirman, Swift, Trolinger, Westfall and Wood—21.

Nays—Senators Bradshaw and Dillard—2.

Senator Erath moved to suspend the rules to put the bill on its third reading. Lost.

The President submitted the following communication to the Senate:

INSTITUTION FOR THE DEAF AND DUMB,)
AUSTIN, March 10, 1874.

Hon. R. B. Hubbard, President of the Senate:

You are respectfully invited with the Senate, to attend the examination of the pupils of this institution, in the hall of the House of Representatives to night at 8 p. m.

Very truly yours, etc.,

J. VAN NOSTRAND.

On motion of Senator Swift, the Senate adjourned.

FORTY-SEVENTH DAY.

SENATE CHAMBER.

AUSTIN, March 11, 1874.)

Senate met pursuant to adjournment.

Senator Parker stated that the President of the Senate was ill, and moved that Senator Dillard take the chair. Carried.

Roll called; no quorum present.

The sergeant-at-arms was dispatched for absent Senators.

Quorum announced.

Prayer by the chaplain.

Journal of yesterday read and adapted.

Senator Westfall presented a memorial from S. B. Buckley. Read and referred to Committee on Claims and Accounts.

Senator Wood, for Judiciary Committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred House bill No. 113, "An act to repeal an act, entitled 'An act to provide for the employment of private clerks for the Judges of the Supreme Court,'" instruct me to report the same back, with the recommendation that it do pass.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee to whom was referred House bill No. 78, "An act to amend 'An act to organize courts of justices of the peace and county courts, and define their jurisdiction and duties,'" instruct me to report the same back with the recommendation that it do pass.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee to whom was referred House bill No. 165, "An act to provide for the registration of deeds, mortgages and other written instruments in unorganized counties in this State," instruct me to report the same back, with the recommendation that it do pass.

W. D. Wood, Chairman pro tem.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred House bill No. 72, "An act to amend sections two and six of an act entitled 'An act to incorporate the city of New Braunfels,'" instruct me to report the same

back with the recommendation that it do not pass.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred House bill No. 132, "An act to change the name of Ernest Louis Heinrich Seyberlich to Ernest Louis Henry Kellner; also, the name of Emelie Fredericke Helene Seyberlich to Emilie Fredericke Helene Kellner," instruct me to report the same back with the recommendation that it do not pass.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred Senate bill No. 233, "An act to provide for opening, repairing and maintaining public roads and highways," beg leave to report the same back with the following amendment: Amend by adding after the word "permit," in section eleven, the words "and shall put up guide boards at every prominent fork in any of the public roads," and recommend that it do pass as amended. W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred Senate bill No. 254, "An act to amend the statute of limitation," having considered and examined the same, instruct me to report it back with the recommendation that it do not pass.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred House bill No. 118, "An act to authorize the selection of special judges in the criminal courts of this State, in certain cases," instruct me to report the same back with the recommendation that it do not pass.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred House bill No. 81, "An act to amend the Penal Code," instruct me to report the same back with the recommendation that it do pass.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee, to whom was referred House bill No. 26, "An act regulating the emancipation of minors," instruct me to report the same back with the recommendation that it do pass.

W. D. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee to whom was referred House bill No. 105, "An act to authorize the use of photographic copies of written instruments in taking depositions of witnesses in certain cases," instruct me to report the same back with the recommendation that it do pass.

W. D. Wood, for Committee.

Senator Stirman, chairman Committee on